

Public Opinion and the Criminal Justice System: Building Support for Sex Offender Management Programs

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Introduction

Public fear about sex offenders presents a unique challenge to leaders working to establish or improve policies related to supervising and treating sex offenders in the community. Public sentiment that the criminal justice system should do more to safeguard the community from sex offenders has led to the enactment of a host of measures in recent years, such as sex offender registration, community notification, and involuntary civil commitment for some sex offenders. Numerous statutes have also been passed that reflect the public's belief that violent criminals, including sex offenders, should be incarcerated for longer periods of time. Despite such laws, however, most convicted sex offenders will be released into the community at some point – whether directly following sentencing, or after a term of incarceration in jail or prison. The criminal justice system has the responsibility to manage these offenders without unduly risking victim and public safety or undercutting the offender's habilitation¹ or successful reintegration into society. While the sex offender management field is fairly well united in the belief that the responsible management of sex offenders includes rigorous community supervision and sex offender-specific treatment, public opinion can influence whether such initiatives will be supported or accepted in a jurisdiction.

Public opinion has the power to shape legislation, funding decisions, and the political landscape related to the community supervision of sex offenders. Given this, those working in the field of sex offender management must understand public sentiment about their work, provide citizens with accurate information, and recognize the public as a legitimate partner in deciding how to effectively manage sex offenders, in order to prevent future victimization. However, many

practitioners have implemented mandated sex offender legislation and developed specialized supervision and treatment programs without considering the impact of public opinion on these new laws or practices. This brief draws on the experiences of jurisdictions that have incorporated public opinion into their response to sex offenders, as well as lessons learned from jurisdictions that have utilized public opinion to influence other criminal justice system policies and practices. It will address three areas of interest:

- why the public's perspective is important;
- how leadership in different states has benefited from studies of public opinion about crime and criminal justice issues; and
- why it is essential that the criminal justice system view the public as a partner rather than an adversary or simply a group of consumers.

Why the Public's Perspective Is Important

There are three primary reasons why the public's perspective is critical to the criminal justice system:

1. public opinion creates the boundaries within which the community will support, or least accept, policy;
2. public opinion about criminal justice is at times misinformed, and largely as a result of those misperceptions, the public has low levels of confidence in the criminal justice system; and
3. after learning about a criminal justice issue and having a chance to deliberate over it, the public is much more open to change than conventional wisdom would suggest.

¹ Habilitation helps sex offenders develop thinking, skills, and behaviors not previously in their repertoire. (David D'Amora and Gail Burns-Smith, "Partnering in Response to Sexual Violence: How Offender Treatment and Victim Advocacy Can Work Together in Response to Sexual Violence," *Sexual Abuse: A Journal of Research and Treatment* 11 (1999): pp. 293-305.)

The Boundaries of Political Permission

The public's perspective establishes what social psychologist Daniel Yankelovich calls "the boundaries of political permission;" the limits or borders within which policy will be actively supported or acquiesced to by the public.

In a democratic society, leadership is ultimately accountable to the will of the people. Regardless of the subject, leaders who make policy outside of these boundaries of permission may see the public repudiate that policy, and advocate to replace it with a radically different approach. Over the past few years, ideas such as term limits, tax cuts, and a patient's bill of rights have each been driven by public opinion that was dissatisfied with status quo. In each case, shifting public opinion led to a changed political landscape and new boundaries of permission. Public disenchantment with the criminal justice system in general, and its fear of sex offenders in particular, has led to the passage of an array of statutes, including sex offender registration, community notification, and involuntary civil commitment and lifetime supervision for some sex offender groups.

Megan's Law in New Jersey

Seven-year-old Megan Kanka was raped and murdered in 1994 by Jesse Timmendequas, a twice-convicted child molester who lived on her block in Hamilton, New Jersey. Megan's parents believe that if they had known that a pedophile lived near by, the crime never would have happened. Megan's death gave new momentum to the concept of community notification: that residents be warned when a sex offender moves into their neighborhood.

Residents of Megan's community held rallies and signed petitions in support of community notification. Megan's parents served as leaders to the cause and began a highly public campaign to protect children. In 1995, this campaign led to the enactment of community notification legislation in New Jersey, known as "Megan's Law." New Jersey politicians helped carry the issue to a national level. President Clinton signed Megan's Law in May 1996, adding the community notification requirement to the Jacob Wetterling Act.

Misperceptions

Public opinion about criminal justice issues stems from beliefs that are strongly influenced by misperceptions such as the ones listed below.

- **Misperception: Crime is *not* decreasing. The crime rate either continues to increase or it is as high as it was five years ago.** For example, in a 1999 Vermont study, 47 percent of survey respondents believed crime was increasing; 40 percent thought it was the same as it was five years ago; and only

7 percent thought was decreasing.² The fact is Vermont has one of the lowest crime rates in the nation, and the crime rate nationally has been decreasing for several years.

- **Misperception: Those convicted of the most serious violent crimes are often *not* sent to prison.** In the Vermont study discussed above, 31 percent of respondents said there was no more than a 50/50 chance that an offender convicted of committing rape while holding his victim at knifepoint would be incarcerated upon conviction. But in Vermont and the rest of the country, the fact is that such an offender would most likely be incarcerated for many years.
- **Misperception: Most of those convicted of violent crimes do *not* serve their full sentence.** For example, 68 percent of respondents in a 1995 North Carolina survey said that most offenders convicted of a violent crime using a gun or knife would serve no more than half the sentence handed down by the judge.³ The fact is that in North Carolina and most jurisdictions, violent offenders usually serve at least their minimum sentence.
- **Misperception: Most of those convicted of violent crimes do *not* serve even the minimum sentence imposed by the judge.** For example, only 21 percent of respondents in a 1998 New Hampshire survey said that all or almost all violent offenders who are sent to prison serve at least their minimum sentence.⁴ The fact is that *all* violent offenders in that state serve at least their minimum sentence.
- **Misperception: *Many* violent offenders are released early to ease prison overcrowding.** For example, 63 percent of Vermonters surveyed in 1999 agreed that "because of prison overcrowding, many offenders who committed a violent crime using a gun or a knife are being released early, before serving their complete sentence."⁵ The fact is that violent offenders in Vermont are almost never released early because of overcrowding.

² Doble Research Associates, *Attitudes Towards Crime and Punishment in Vermont: An Experiment with Restorative Justice* (Washington, D.C.: National Institute of Justice, U.S. Department of Justice, July 1999).

³ Doble Research Associates, *Crime and Corrections: The Views of the People of North Carolina* (Raleigh, NC: the North Carolina State-Centered Project and the Edna McConnell Clark Foundation, October 1995).

⁴ Doble Research Associates, *Crime and Corrections: The Views of the People of New Hampshire* (Concord, NH: Interbranch Criminal Justice Council, State Department of Justice, July 1998).

⁵ Doble Research Associates, *Attitudes Towards Crime and Punishment in Vermont*.

Civil Commitment in Washington State

In May 1987, Earl K. Shriner, a mentally retarded man with a long criminal record, completed a ten-year sentence in Washington for kidnapping and assaulting two teenage girls. Two years after his release, he raped and strangled a seven-year-old boy, severed his penis, and left him in the woods to die. The Shriner case came to public attention one year after a young Seattle businesswoman was kidnapped and murdered by an inmate on work release. Gene Raymond Kane had been placed on work release after serving a 13-year sentence for attacking two women. In another incident in 1989, Wesley Allen Dodd was apprehended during an attempted abduction of a six-year-old boy from a movie theater in southwest Washington. Following an investigation, Dodd confessed to the killings of two young boys who had been riding their bikes in a park and the kidnapping and murder of a four-year-old boy he had found playing in a school yard.

In response to significant public outcry from these crimes, a Task Force on Community Protection was appointed by the Governor and asked to recommend changes to state law. The task force held public hearings throughout the state and considered numerous ways to strengthen laws concerning sex offenses. The group's recommendations became an omnibus bill to the 1990 Legislature, outlining sweeping changes in the penalties for sex offenses. The task force's most controversial recommendation called for a civil commitment statute authorizing the state to confine and treat in mental institutions a small group of high-risk sex offenders whom otherwise would be released to the community at the conclusion of their sentence.

From: Lieb, Roxanne. *Washington's Sexually Violent Predator Law: Legislative History and Comparisons with Other States*. Olympia, WA: Washington State Institute for Public Policy, 1996.

Such misperceptions help explain why the public has a low level of confidence in the criminal justice system.⁶ These misperceptions and the resulting low public confidence holds true across the country and apply to all demographic groups.⁷

Public Opinion Before and After People Learn more About an Issue

Conventional wisdom holds that when it comes to criminal justice, the boundaries of political permission established by public opinion are narrow and circumscribed, and that the public just wants to "lock offenders up and throw away the key." However, numerous studies have shown that this is a serious misreading of the public's perspective. Most people are open to innovative ideas, especially if they have the opportunity to consider and have input into the issue.

For instance, surveys in many states have found broad political permission to use *non-incarcerative, community-based, or alternative sentences* with an array of nonviolent offenders, including offenders who have multiple convictions, and a number of carefully selected violent and sex offenders.⁸ In states as

⁶ The only two exceptions to this pattern are the police and juries made up of average citizens; public confidence in these entities is universally strong.

⁷ This result has been confirmed in numerous studies of public opinion, including more than a dozen studies conducted over the past 15 years by the Council of State Governments; Public Agenda, a nonpartisan research organization founded by Cyrus Vance and Daniel Yankelovich; and Doble Research Associates.

⁸ In the case of sex offenders, probation officers typically collect information and conduct interviews during pre-sentence investigations in order to make informed and appropriate recommendations to the court regarding whether or not an offender should be released into the community, and if so, under what supervision conditions. Recommendations are based on factors such as the police record of the offense; the offender's personal and sexual history; an evaluation of the offender's amenability to specialized treatment; his access to potential victims; victim impact statements; formal assessment of reoffense probability; and resources available to support the ability of the criminal justice system to effectively manage the risk posed by the offender in

diverse as Vermont, North Carolina, New Hampshire, and Oregon, Doble Research Associates found consensus-level support for using non-incarcerative sanctions with many different types of offenders.⁹ Studies in Alabama, Delaware, and Pennsylvania produced similar results.¹⁰

Despite public support for the use of alternative sentences, criminal justice policymakers have at times found that such sentiments are easy to overlook. Because there is so much general public discontent with the criminal justice system, policymakers may shy away from seeking public opinion about this issue due to a fear of a reactionary response and demand for a different approach. However, this same discontent can actually fuel support for using community-based sanctions. For instance, when asked whether incarceration makes offenders less or more dangerous, people said that prison sentences make offenders more dangerous because they are exposed to hardened criminals.¹¹ In light of such findings, it is not surprising that some members of the public support using non-incarcerative sanctions with a wide array of mostly nonviolent offenders. Conventional wisdom about criminal justice (that the public favors incarcerating offenders for longer periods of time rather than utilizing community-based or

the community.

⁹ See Doble Research Associates, *Attitudes Towards Crime and Punishment in Vermont; Crime and Corrections: The Views of People of North Carolina*; and *Crime and Corrections: The Views of the People of New Hampshire*; and Doble Research Associates, *Crime and Corrections: The Views of People in Oregon* (Oregon State-Centered Project and the Edna McConnell Clark Foundation, April 1995).

¹⁰ See John Doble and Josh Klein, *Punishing Criminals: The Public's View, An Alabama Survey, An Analysis of Public Opinion* (Prepared by the Public Agenda Foundation for the Edna McConnell Clark Foundation, 1989); John Doble, Stephen Immerwahr, and Amy Richardson, *Punishing Criminals: The People of Delaware Consider the Options* (Prepared by the Public Agenda Foundation for the Edna McConnell Clark Foundation, October 1991); and Public Agenda Foundation, *Punishing Criminals: Pennsylvanians Consider the Options* (1993).

¹¹ Doble Research Associates, *The Views of the People of North Carolina*.

alternative sanctions) may seem unmistakably accurate when it comes to sex offenders and other violent criminals. Yet, public opinion may be more complex and differentiated when people learn more and deliberate over the topic. A preliminary study using focus groups in Vermont suggests this is the case.¹² For example, when asked questions about community notification of sex offenders, focus group participants favored a modest notification strategy that did not involve newspapers or the use of posters or yard signs. Moreover, people overwhelmingly favored increased treatment for sex offenders, including those who are incarcerated and involved in community-based sanctions.

How Studies of Public Opinion Have Been Used

Jurisdictions have used studies of public opinion about crime and criminal justice for several purposes. For instance, information about public sentiment can be used to inform, guide, and influence local and state leaders and lawmakers as they create or amend policies and laws. These studies also can be used to gauge citizens' awareness and support of various criminal justice initiatives and to help develop practices that will be accepted by the public.

To Inform, Guide, and Influence Leaders and Lawmakers

Public opinion studies can be indispensable in educating lawmakers who create or amend legislation and influencing decision-makers who develop criminal justice system policies. These studies also can inform criminal justice leaders of citizens' attitudes and reactions to enacted legislation or implemented policies.

Below are examples of how public opinion studies have been utilized by different jurisdictions to inform, guide, and influence leaders and policymakers.

- In the fall of 1998, the Sex Offender Treatment Program in the Vermont Department of Corrections was charged with developing a community notification law to be introduced in the state legislature. A preliminary study of public opinion using a series of focus groups was conducted for the program, in collaboration with the Center for Sex Offender Management (CSOM).¹³ Vermont policymakers and CSOM wanted to explore what people knew about the issue of sex offenders, what they believed about recidivism and other

related topics, and the extent to which their beliefs or perceptions were misinformed. The study also explored what Vermonters wanted in terms of a community notification process and how they felt about treatment for sex offenders. As mentioned earlier, focus group participants indicated that they thought a discreet approach to notification – alerting schools, daycare centers, and nearby neighbors of sex offenders living in the area – would be most effective. These and other study results were used to inform policymakers as they drafted legislation.

- In Delaware, the Sentencing and Accountability Commission (SENTAC) was developing policy related to the use of alternative sentences and other criminal justice reforms. SENTAC commissioned a study to explore how people felt about some of the issues under consideration.¹⁴ There was broad support for a number of proposals, including efforts to reduce juvenile crime. After review by SENTAC members, the results were released to the public at a statewide press conference where the governor described SENTAC, endorsed its work, and talked about public opinion. Briefings were arranged for key state legislators and other leadership groups, including the editorial board of the state's largest newspaper.
- Under a grant from the Edna McConnell Clark Foundation, the North Carolina State-Centered Project commissioned a 1995 study of public opinion about community-based punishments and a series of recently enacted measures, including structured sentencing and truth-in-sentencing.¹⁵ The study found solid public support for both reforms. North Carolinians supported truth-in-sentencing, even if it meant some offenders would serve shorter sentences (e.g., if a judge imposes a sentence of two to four years, the offender should be required to serve at least two years). Upon completion of the study, the editorial boards of the state's largest newspapers were provided with an in-depth briefing of the study's results. The officials conducting the briefings had no policy agenda. Instead, they described the changes that had been enacted, along with the rationale behind those changes, and discussed public sentiment, including the fact that state citizens supported the initiatives.

¹² Doble Research Associates, *Public Opinion about Sex Offenders and Community Notification in the State of Vermont* (Silver Spring, MD: The Center for Sex Offender Management, December 1998).

¹³ Doble Research Associates, *Public Opinion about Sex Offenders and Community Notification in the State of Vermont*.

¹⁴ John Doble, Stephen Immerwahr, and Amy Richardson, *Punishing Criminals: The People of Delaware Consider the Options*.

¹⁵ Doble Research Associates, *Crime and Corrections: The Views of the People of North Carolina*.

To Determine How to Gain Public Support for Policies and Practices

Some jurisdictions use studies of public opinion to gain a sense of citizen awareness of, and confidence and satisfaction in, the local or state criminal justice system and its many programs. This information can assist leaders in determining what needs to be done to gain increased citizen support. Other jurisdictions have utilized public opinion studies to assess whether citizens would support various proposed criminal justice initiatives. Examples are provided below.

Using Public Opinion to Evaluate Policy

In 1990, the Washington State Legislature enacted the Community Protection Act, which included a registration and community notification law requiring that convicted sex offenders register with local law enforcement, and officials notify the public when dangerous sex offenders are released into the community. As part of the Community Protection Act, the Legislature directed the Washington State Institute for Public Policy (WSIPP) to evaluate the law's effectiveness.

As part of WSIPP's evaluation, a telephone survey soliciting public opinion among Washington State adults about the state's community notification law was conducted. Over the summer of 1997, approximately 400 residents from both rural and urban regions of eastern and western Washington State were surveyed. The results of the survey indicated an overwhelming majority of respondents were familiar with the law and believed it was very important. In addition, nearly three-fourths of the respondents reported they had learned more about sex offenses and how sex offenders operate because of community notification. The vast majority also felt safer knowing about convicted sex offenders living in their communities.

- The New Hampshire Interbranch Criminal Justice Council commissioned a study in 1998 to learn how citizens felt about the various components of the criminal justice system.¹⁶ The council also wanted to document the extent to which the public understood how the system functioned. While the study revealed that public confidence in the criminal justice system was low compared to other governmental sectors, the respondents had higher regard for the system and its components than did people in other states with comparable data.¹⁷ The study also identified areas where the public was misinformed and discovered that when people learn more about the criminal justice system and develop an accurate understanding of how it functions, their confidence in the entire system increases dramatically.

¹⁶ Doble Research Associates, *Crime and Corrections: The Views of the People of New Hampshire*.

¹⁷ Public confidence in New Hampshire was higher than in an array of other states surveyed over the past decade, including Vermont, North Carolina, Oklahoma, Oregon, Pennsylvania, Delaware, and Alabama.

- The Vermont Department of Corrections (DOC) decided in 1994 to "test market" the idea of implementing a statewide system of reparative boards that would oversee and determine options for community-based sanctions for nonviolent offenders. Two DOC officials wrote, "We began the experiment [of establishing the reparative boards] in the traditional manner, dreaming up new program ideas in a relative vacuum. But before we implemented, we did something rather unique: We did market research. We asked Vermonters what they thought of the new program ideas."¹⁸ The results of the DOC statewide study of public opinion about restorative justice¹⁹ and the reparative boards were extraordinarily clear: 92 percent of Vermonters favored the idea of using reparative boards with an array of nonviolent offenders. Realizing that it had a public mandate, the DOC launched the idea. Today, there are 44 reparative boards in the state with over 300 trained volunteers serving as board members. The boards usually convene biweekly, meeting with offenders and victims (if the victim chooses to participate) in each case to determine an appropriate sentence and to ensure that the sentence is carried out.

Using Public Opinion to Increase Awareness

In mid-1999, the community correction agency of Jackson County, Oregon, conducted a public opinion survey to determine initial public awareness and understanding of local sex offender management programs, as well as other selected county criminal justice programs. Community corrections staff felt that there was little support for the county's sex offender management program, despite its national recognition.

The agency mailed out 2,400 surveys to county voters; approximately 500 were returned. Survey results indicated that residents had a limited understanding of sexual offender issues; knew little about community corrections; supported prevention and treatment efforts; were divided on the issue of community notification; believed crime was increasing; and supported alternative sentencing for non-violent sexual offenses. These findings will be used to educate and involve the public in community corrections, with the hope that citizens will begin to view themselves as participants in effectively managing sex offenders in the community.

¹⁸ Lynn Walther and John Perry, "The Vermont Reparative Probation Program," *Community Justice Concepts and Strategies* (Lexington, KY: The American Probation and Parole Association, 1998).

¹⁹ A retributive justice model (one that focuses on offenders and their punishment) has dominated the American justice system. However, this model does not address the fact that many offenders, including sex offenders, will be released into communities from prison, if they go to prison. Restorative justice is an evolving model that focuses on repairing the harm to the victim and the community as the result of a damaging act, as well as improving the pro-social competencies of the offender.

Viewing the Public as a Partner

The Public as an Adversary

In recent years, public opinion about crime and corrections has, time and again, exploded onto the public agenda. For example, it dramatically affected the presidential election in 1988 and caused abrupt changes in policy, such as three strikes laws and mandatory minimum sentencing. As a result of such explosions, some criminal justice policymakers have come to think of the public as an adversary or an obstacle to developing sound and humane policy. According to this perspective, the public favors a nearly reactionary, "lock them up and throw away the key" approach toward crime and criminal justice. This view holds that the best route to sound policymaking is to keep a low profile of public visibility and enact measures about which experts have reached consensus.

The Public as a Group of Consumers

Another perspective is that the best way to deal with the public is to treat them as a group of consumers and use a "tell-and-sell" approach when implementing policies. This view holds that experts know best when it comes to policy; leadership's job is to build public support by telling people about a policy and its rationale and then selling it on its merits. According to this view, the public needs to be persuaded that the policy developed by experts is sound and sensible.

The problem with both approaches is that they provide, at most, only short-term public consent for initiatives. The "low-profile" approach may enable officials to enact policy without public scrutiny or serious criticism for a time. But if the public comes to believe that an approach is fundamentally wrong or learns that a policy puts innocent people at risk, their reaction is liable to be swift and overwhelming. Indeed, public pressure to enact Megan's Law is only the most recent example of citizens learning about a practice and demanding that the policy be changed.

Instead of seeing the public as sovereign and the group to which government officials are ultimately accountable, the "tell-and-sell" approach envisions the public as the passive recipients of government services.

This approach assumes a top-down policymaking posture in which experts know best. "Tell-and-sell" politics will be effective only as long as the public assumes a passive posture. But a public that becomes alarmed will be anything but passive. And an alarmed (and, perhaps, badly misinformed) public may, with speed and decisiveness, repudiate a policy it was "told about" and seemingly "sold on."

The Public as a Partner

A third way to envision the public is as a potential partner. According to this view, the primary function of the criminal justice system is to serve and protect the people. Such a view may require a public engagement strategy in which leadership understands and respects public opinion and takes the public's concerns seriously. According to this approach, the public is a resource that has the capacity and the willingness to help develop and execute sound criminal justice policy, rather than a reactionary adversary to be ignored, or a group of misinformed consumers that needs to be sold on an idea.

The Public Rallies for Increased Investigative Resources for Sex Crime Cases

*In October 1989, 11-year-old Jacob Wetterling was abducted by a masked man at gunpoint near his home in **St. Joseph, Minnesota**. Neighbors, friends, and strangers rallied to the Wetterling family's aid and worked 24-hours-a-day, seven-days-a-week, searching the area and distributing flyers across the country. That outpouring of support led to the establishment of a nonprofit foundation to focus national attention on missing children and their families.*

In 1991, the Jacob Wetterling Foundation recommended a legislative initiative resulting in the passage of Minnesota's sex offender registration act. Prior to this act, law enforcement had no resources to identify known sex offenders residing in the state to assist with investigating these types of crimes. The Wetterling Foundation also worked to have this initiative passed on the federal level. In 1994, the Jacob Wetterling Crimes Against Children and Sex Offender Registration Act was enacted by Congress. The bill mandates that each state create a program to register sex offenders.

There are a number of jurisdictions that have taken steps in this direction. The State of Connecticut, for example, has developed a program of high-profile community service in which offenders are engaged in activities easily seen by the people in that state, such as working at the Special Olympics or along the highway cutting brush and picking up litter. Such a policy is responsive to the public's sense that community service should be arduous and meaningful, instill good work habits, and give something of value back to the community while simultaneously teaching an offender a skill that will be useful in the future.

The State of Oklahoma, in conjunction with the Study Circle Resources Center, implemented an innovative way to reconnect the public to the criminal justice system. In collaboration with the League of Women Voters and other nonpartisan groups, officials organized a statewide effort to convene discussion groups in which average Oklahomans met several times to learn and discuss criminal justice issues in their

Soliciting Input on Standards for Managing Sex Offenders

In 1991, the Colorado Division of Criminal Justice, in conjunction with the Department of Corrections, the Department of Health and Human Services, Division of Youth Corrections, the Division of Alcohol and Drug Abuse, and the Judicial Department, drafted language for a law designed to create statewide standards for the management of sex offenders. In July 1992, the law passed and a committee charged with developing the standards was appointed, with members from various government agencies and victim organizations. In addition to appointed members, many additional individuals – victims, polygraph examiners, penile plethysmograph examiners, treatment providers, and probation and parole officers – took part in open discussions on proposed guiding principles for the standards. The discussions produced the substantive text for the standards and solidified its focus on protecting and supporting past and potential victims of sexual violence.

After the basic document was drafted, public hearings to obtain further input were held in four regions of the state. The committee found the hearings most useful, as there were a significant number of misunderstandings – and outright opposition to – various components of the draft standards. Feedback obtained from the hearings was brought back to committee members and other interested individuals for further discussion. Each policy was reexamined and rewritten as needed. After formal voting, the document was published for the first time in January of 1996. The same collaborative process was repeated to develop revised standards, published in September 1998, and to expand the document to include standards for lifetime supervision and the management of developmentally disabled sex offenders in June 1999.

state. The materials used in the effort frame the topics to be deliberated and encourage citizens to speak about subjects pertaining to crime, corrections, and sentencing policies in the state.

As noted earlier, the State of Vermont has delegated a significant portion of the criminal justice system's functions to citizen volunteers who serve on reparative boards that determine and oversee the sentences of many nonviolent offenders. Vermont is now considering implementing a similar set of volunteer-based organizations to work with the Department of Corrections on other issues, including community notification of sex offenders and furloughed offenders.

Studies have found that the public has confidence in only two components of the criminal justice system – the police and juries made up of average citizens.²⁰ The public has great confidence in the capacity of ordinary people to deliberate about serious crime issues. Thus, the crisis in public confidence facing the criminal justice system might be addressed, in part, by turning over to average people, with appropriate training and oversight, some of the core decision-making responsibilities of the criminal justice system.

The above jurisdictions provide examples of how to envision and engage the public as a partner that has legitimate concerns, understandable opinions, and a reasonable set of expectations. Such efforts may begin to reconnect the public to the criminal justice system, which garners lower public confidence than any other governmental service. Reconnecting the public may restore the public's feeling of participation and thereby, perhaps, restore public trust and confidence in the criminal justice system.

²⁰ In 1999, 76 percent of Vermonters said juries do a good job, a rating even higher than that given to police (Doble Research Associates, *Attitudes Towards Crime and Punishment in Vermont*).

Conclusion: Implications for Sex Offender Management

Favorable public opinion is critical to the development and continuance of community supervision and treatment programs for convicted sex offenders. Sex offender management programs that overlook the importance of public sentiment about their work could face dire consequences. These programs may avoid short-term public scrutiny or criticism if they develop policies about which experts have reached consensus. In the long-term, however, a disenchanting, uninformed, and/or uninvolved public that believes more should be done to protect the community from sex offenders may call for swift systematic changes (e.g., demand policies be altered, funding be cut, or key personnel be dismissed), which ultimately may not serve the public interest.

Citizens and leaders may be more willing to support community supervision and treatment initiatives for convicted sex offenders when:

- they understand that it is not feasible to incarcerate all sex offenders indefinitely;
- misconceptions they may hold about sex crimes and offenders are replaced with facts;
- they are given an opportunity to learn more about how supervision and treatment can foster successful and safe reintegration of sex offenders into society and prevent future sexual victimization;
- they are offered qualitative and quantitative data that help demonstrate how supervision and treatment programs are effective in protecting the community from convicted sex offenders;
- their opinions on the topic are sought out and incorporated into policy decisions;
- their concerns are taken seriously; and

- they are given an opportunity to be involved in the implementation of their jurisdiction's sex offender management program, to the extent possible.

Sex offender management programs can be proactive in gaining public support when they understand and address citizens' needs for accurate information and invite the public to participate in making decisions about how convicted sex offenders will be managed in their community. The public's demand for safety, and the criminal justice system's commitment to provide it, are harmonious goals that serve as an effective building block in a community safety partnership.

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Resources

Center for Sex Offender Management

8403 Colesville Rd., Suite 720
Silver Spring, MD 20910
Phone: (301) 589-9383
Fax: (301) 589-3505
E-mail: askcsom@csom.org
Internet: www.csom.org

Doble Research Associates

375 Sylvan Ave.
Englewood Cliffs, NJ 07632
Phone: (201) 568-7200
Fax: (201) 568-5474
E-mail: doble@carroll.com
Internet: www.dobleresearch.com

Jackson County Community Corrections

123 West 10th St.
Medford, OR 97501
Phone: (541) 774-4925
Fax: (541) 770-9484

The Jacob Wetterling Foundation

32 1st St. NW
St. Joseph, MN 56374
Phone: (320) 363-0470
Fax: (320) 363-0473
Email: jacob@uslink.net
Internet: www.jwf.org

Sex Offender Management Board

Division of Criminal Justice
Colorado Department of Public Safety
700 Kipling St., Suite 1000
Denver, CO 80215-5865
Phone: (303) 239-4447
Fax: (303) 239-4491

Washington State Institute for Public Policy

P.O. Box 40999
110 East Fifth Ave., Suite 214
Olympia, WA 98504-0999
Phone: (360) 586-2677
Fax: (360) 586-2793
Email: institute@wsipp.wa.gov
Internet: www.wa.gov/wsipp

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